





PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/43079-PCT	FOR FURTHER ACTIO	Fielinitially Examination Report (
International application No.	International filing date (day		Priority date (day/month/year)		
PCT/EP2003/003212	27 March 2003 (27	.03.2003)	28 March 2002 (28.03.2002)		
International Patent Classification (IPC) or national classification and IPC C07D 213/26					
Applicant	BASF AKTIENGESE	LLSCHAFT			
This international preliminary examand is transmitted to the applicant a	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.				
2. This REPORT consists of a total or	f 5 sheets, inclu	ding this cover	sheet.		
amended and are the basis f 70.16 and Section 607 of th	The state of the description claims and/or drawings which have been				
	total of 5 sheets	s.			
This report contains indications rel	3. This report contains indications relating to the following items:				
I Basis of the report	I Basis of the report				
II Priority					
III Non-establishmen	t of opinion with regard to nov	elty, inventive s	tep and industrial applicability		
I sak of unity of it	ivention				
NZ Reasoned stateme	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;				
Certain document	s cited				
V1 Contain defeats in					
	VII Certain defects in the international application				
VIII Certain observation	VIII Certain observations on the international application				
Date of submission of the demand		te of completion	of this report		
24 October 2003 (24.10.2003)		23	7 April 2004 (27.04.2004)		
24 October 2003 (24.)	10.2003)	2.1			
Name and mailing address of the IPEA/E	P Au	Authorized officer			
Facsimile No.	Te	lephone No.			



aonal application No.

PCT/EP2003/003212

	I. Basis of the report				
1.	1. With regard to the elements of the international application:*				
		the inter	mational application as originally filed		
	$\overline{\boxtimes}$	the desc	cription:		
	لابي	pages	•	-42	, as originally filed
		pages			, filed with the demand
		pages		filed with the letter of	
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		the clair			, as originally filed
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		pages pages	1-12		19 February 2004 (19.02.2004)
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2.	the in These	the lang the lang the lang the lang or 55.3	to any nucleotide and/or amino acid sequ	of international search (under Retion (under Rule 48.3(b)). oses of international preliminary	which is: ule 23.1(b)). y examination (under Rule 55.2 and/
	preli	minary ex	xamination was carried out on the basis of the se ned in the international application in written for	equence listing:	
			ogether with the international application in comp		
			ned subsequently to this Authority in written form		
			ned subsequently to this Authority in computer re		
		The st	tatement that the subsequently furnished write		t go beyond the disclosure in the
		The sta	atement that the information recorded in compurnished.	puter readable form is identical	I to the written sequence listing has
4.		The arr	nendments have resulted in the cancellation of:		
			the description, pages		
		_	the claims, Nos.		
			the drawings, sheets/fig		
5.		This rep	port has been established as if (some of) the am the disclosure as filed, as indicated in the Supple		ince they have been considered to go
*	in th	acement s us report	sheets which have been furnished to the receivin t as "originally filed" and are not annexed t	ng Office in response to an invite	ation under Article 14 are referred to ot contain amendments (Rule 70.16
**	and 70.17). ** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.				
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In	onal	application No.
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٧.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability
	citations and explanations supporting such statement

1.	Statement			
	Novelty (N)	Claims	1-12	YES
		Claims		NO
	Inventive step (IS)	Claims		YES
		Claims	1-12	NO
	Industrial applicability (IA)	Claims	1-12	YES
		Claims		NO NO

2. Citations and explanations

The applicant has submitted new claims 1 to 12, which are based on the original disclosure.

As regards the international search report and the documents cited by the applicant in the description, the subject matter of the application differs structurally from D1 (WO 01/95721) by the present "Het" substituent group, compared with phenyl in D1.

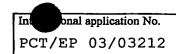
D2 (WO 96/23763) discloses alkoxyiminoacetic acid derivatives; D3 (WO 96/17840) discloses hydroxyacetamido compounds which differ by virtue of the present acrylamide group double bond.

The intermediate products (II') claimed per se are not described in the prior art, since the corresponding reaction stage already covers intermediate products having a double bond, and are thus likewise considered novel.

The requirements of PCT Article 33(2) are met.

The problem of interest appears to be that of preparing novel 2-heteroarylalkeneamide derivatives which have an unexpectedly better herbicidal effect than the 2-

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phenylalkeneamides (acrylamides) in D1 (table I) (page 2, lines 9 to 12).

Moreover, the prior art (D2 and D3) discloses further N-phenylalkylamides as herbicides. In this connection, reference is made to the specifically disclosed compounds 1 to 141 in D3, which differ by virtue of the present double bond, and have both a 2-heteroaryl- and a 2-phenyl-substituent group.

The closest prior art is considered to be D1, in particular example I-32 (page 36), which also has the novel trans-configuration at the double bond. The applicants have not indicated any advantages over the closest prior art (D1) which could be derived from the introduction of the novel 2-heteroaryl group. Reference is made only to the advantages of the trans-compounds according to the subject matter of the application per se, without mentioning the structurally closest example, I-32 in D1.

The intermediate products (II') claimed per se, according to claim 9, neither have the novel structural feature nor can be further used directly in an inventive manner; they could thus not be considered in the same inventive concept as the end products (I).

The requirements of PCT Article 33(3) are not considered to be met.